

**REMARKS**

The Examiner is thanked for the thorough examination of the present application and the allowance of claims 1-10, 18, and 20. The FINAL Office Action, however, continued to reject the remaining claims. In response, Applicant submits the foregoing amendment to place this application in condition for allowance, based upon Applicant's understanding of allowable subject matter.

**I. Summary of Telephone Interview with Examiner**

Applicant thanks Examiner Sinkantarakorn for the time spent with Applicant's representative Jeffrey Hsu (Registration No. 63,063) during a telephone interview conducted on November 23, 2009 regarding the above-identified Office Action. During the interview, proposed amendments to claim 11 were discussed. During the discussion, the Examiner indicated that an updated search would have to be performed and that an RCE would be required in order for the amendments to be considered. As the proposed amendment are directed to similar, defining features found in claim 18 (indicated as allowed) that have been already been considered by the Examiner, Applicant understands that the proposed amendments to claim 11 are sufficient to overcome the present rejection (as an RCE/updated search would otherwise not be required). Applicant submits that the remarks and amendments set forth in this response are consistent with those discussed during the interview.

**II. Allowable Subject Matter**

Applicant acknowledges the indication on page 5 of the Office Action that claims 1-10, 18, and 20 are allowed. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

**III. Response to Claim Rejections Under 35 U.S.C. § 102 and §103**

It is axiomatic that “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102.

Claims 11, 12, 14-17, and 20 stand rejected under 35 U.S.C. §102 as allegedly being anticipated by *Admitted Prior Art (APA)*. Claim 13 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over APA. For at least the reasons set forth below, Applicant traverses these rejections.

**Claims 11-17**

Applicant respectfully submits that independent claim 11 patentably distinguishes over APA for at least the reason that APA fails to disclose, teach, or suggest the features emphasized below in claim 11.

Claim 11, as amended, recites:

11. A method for improving the management of received data packets of a host system that comprises a plurality of data buffers and a plurality of descriptors that corresponds to a subset of

the data buffers to manage the received data packets, the method comprising:

- receiving a data packet;
- transferring the data packet into at least one of the data buffers;
- counting an amount of the descriptors in a first state;
- comparing the amount with a threshold value to generate a comparison signal; and
- generating a first event to the host system according to the comparison signal and based on whether a masking circuit is engaged, wherein generating a first event is performed to prevent all the descriptors from being in the first state, and wherein the masking circuit is engaged if the data packet is an error data packet.

(Emphasis Added). In rejecting claim 11 on page 2, the Office Action continues to allege that claim 11 is anticipated by APA. While Applicant continues to traverse the rejection under APA, Applicant has amended claim 11 to now recite features similar to the defining features of claim 18, which the Office Action indicates is allowed. In particular, claim 11 now recites the features "based on whether a masking circuit is engaged, wherein generating a first event is performed" and "wherein the masking circuit is engaged if the data packet is an error data packet." While the Office Action alleges that APA discloses the step of "generating a first event to the host system according to the comparison signal," APA fails to disclose, teach, or suggest the use of any kind of "masking circuit," much less generating a first event to the host system according to the comparison signal and based on whether a masking circuit is engaged. As further defined in claim 11, the masking circuit is engaged if the data packet is an error data packet. APA also fails to disclose or suggest this feature. In view of the foregoing, Applicant respectfully submits that independent claim 11 patently defines over APA for at least the reason that APA fails to disclose, teach, or suggest the highlighted features in claim 11 above. Applicant submits that dependent claims 12-17

are allowable for at least the reason that these claims depend from an allowable independent claim. See, e.g., *In re Fine*, 837 F. 2d 1071 (Fed. Cir. 1988).

**CONCLUSION**

Applicant respectfully submits that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

A credit card authorization is provided with this submission to cover the fee associated with the accompanying RCE application. No additional fee is believed to be due in connection with this amendment and response to Office Action. If, however, additional any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

/Daniel R. McClure/

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**Daniel R. McClure**  
**Reg. No. 38,962**

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**  
600 Galleria Parkway SE  
Suite 1500  
Atlanta, Georgia 30339  
(770) 933-9500